

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SKYTEC, INC.,

Plaintiff,

v.

LOGISTIC SYSTEMS, INC.,

Defendant.

No. 3:15-CV-02104-BJM

The Honorable Bruce J. McGiverin

MOTION REQUESTING SCHEDULING OF HEARING ON DAMAGES IN LIGHT OF THE
U.S. BANKRUPTCY COURT'S MODIFICATION OF AUTOMATIC STAY OF
PROCEEDINGS AGAINST SKYTEC, INC.

TO THE HONORABLE COURT:

NOW COMES, Defendant-Counterclaimant Logistic Systems, Inc. ("LogiSYS"), through its undersigned attorneys, and respectfully sets forth and prays:

On September 12, 2018, this Court granted a contempt motion filed by LogiSYS seeking terminating sanctions for Skytec's discovery abuses. Dkt. 160. The Court's Order dismissed Skytec's claims against LogiSYS with prejudice. Dkt. 160. The Court additionally entered default against Skytec on LogiSYS's counterclaims and ordered a default damages hearing to be held in lieu of trial. Dkt. 160.

The same day the Court issued its Order, Plaintiff Skytec, Inc. ("Skytec") filed for bankruptcy. Skytec's bankruptcy filing triggered an automatic stay of this case. 11 U.S.C. § 362(a)(1). In a September 14, 2018 Order, this Court acknowledged the stay and requested it be notified immediately in the event that the stay is lifted. Dkt. 167.

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On November 13, 2018, the Bankruptcy Court entered an order modifying the automatic stay. *See* Minute Entry on November 13, 2018 Hearing on Motion for Relief From Stay Under § 362 (e), *In re Skytec, Inc.*, Case No. 18-05288 (ESL), November 15, 2018, attached as **Exhibit A**. The 14-day stay of execution of the order lifting the stay expired on November 29, 2018. *See* Fed. R. Bankr. P. 4001(a)(3).

Therefore, this motion serves to notify the Court that the automatic stay of the above-captioned proceeding has been modified for the limited purpose of allowing the action before this Honorable Court to continue to the point of judgment. LogiSYS hereby requests that the Court schedule a hearing on the issue of damages and advises the Court that it will file a motion for fees and costs so that a final judgment amount may be liquidated.¹

The sole remaining issue in this case is the determination of the damages owed to LogiSYS on LogiSYS's counterclaims. LogiSYS is prepared to attend a damages hearing at the Court's convenience.

RESPECTFULLY SUBMITTED this 30th day of November, 2018.

s/ Carlos A. Rodríguez Vidal
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¹ For purposes of the Court's consideration in scheduling the hearing requested herein, LogiSYS respectfully informs that the Puerto Rico counsel for LogiSYS and LogiSYS's expert, Mr. Carlos Baralt, will be simultaneously unavailable from December 20, 2018 until January 10, 2019, both inclusive.

s/ Samuel T. Bull

s/ Lauren J. King

s/ Kelly Mennemeier

Sam T. Bull

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CERTIFICATE OF SERVICE

The undersigned hereby certify that on November 30, 2018 the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all counsel of record.

Dated this 30th day of November, 2018 in San Juan, Puerto Rico.

s/ Carlos A. Rodríguez Vidal

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